

December 21, 2004

NATIONAL SECURITY PRESIDENTIAL DIRECTIVE NSPD-41
HOMELAND SECURITY PRESIDENTIAL DIRECTIVE HSPD-13

MEMORANDUM FOR THE VICE PRESIDENT

THE SECRETARY OF STATE
THE SECRETARY OF THE TREASURY
THE SECRETARY OF DEFENSE
THE ATTORNEY GENERAL
THE SECRETARY OF THE INTERIOR
THE SECRETARY OF COMMERCE
THE SECRETARY OF TRANSPORTATION
THE SECRETARY OF ENERGY
THE SECRETARY OF HOMELAND SECURITY
CHIEF OF STAFF TO THE PRESIDENT
DIRECTOR, OFFICE OF MANAGEMENT AND BUDGET
THE UNITED STATES TRADE REPRESENTATIVE
ASSISTANT TO THE PRESIDENT FOR NATIONAL SECURITY
AFFAIRS
COUNSEL TO THE PRESIDENT
ASSISTANT TO THE PRESIDENT FOR HOMELAND SECURITY
CHAIRMAN, COUNCIL ON ENVIRONMENTAL QUALITY
DIRECTOR OF CENTRAL INTELLIGENCE
CHAIRMAN OF THE JOINT CHIEFS OF STAFF
COMMANDANT OF THE COAST GUARD
DIRECTOR, FEDERAL BUREAU OF INVESTIGATION
DIRECTOR, NATIONAL COUNTERTERRORISM CENTER

SUBJECT: Maritime Security Policy

This directive establishes U.S. policy, guidelines, and implementation actions to enhance U.S. national security and homeland security by protecting U.S. maritime interests. It directs the coordination of United States Government maritime security programs and initiatives to achieve a comprehensive and cohesive national effort involving appropriate Federal, State, local, and private sector entities. This directive also establishes a Maritime Security Policy Coordinating Committee to coordinate interagency maritime security policy efforts.

As specified herein, the Assistant to the President for National Security Affairs and the Assistant to the President for Homeland Security, in cooperation with appropriate Federal departments and agencies, will jointly coordinate the implementation of the policy set forth in Section II of this directive.

I. BACKGROUND

For the purposes of this directive, "Maritime Domain" means all areas and things of, on, under, relating to, adjacent to, or bordering on a sea, ocean, or other navigable waterway, including all maritime-related activities, infrastructure, people, cargo, and vessels and other conveyances. Due to its complex nature and immense size, the Maritime Domain is particularly susceptible to exploitation and disruption by individuals, organizations, and States. The Maritime Domain facilitates a unique freedom of movement and flow of goods while allowing people, cargo, and conveyances to transit with anonymity not generally available by movement over land or by air. Individuals and organizations hostile to the United States have demonstrated a continuing desire to exploit such vulnerabilities.

The United States must deploy the full range of its operational assets and capabilities to prevent the Maritime Domain from being used by terrorists, criminals, and hostile States to commit acts of terrorism and criminal or other unlawful or hostile acts against the United States, its people, economy, property, territory, allies, and friends, while recognizing that maritime security policies are most effective when the strategic importance of international trade, economic cooperation, and the free flow of commerce are considered appropriately.

II. POLICY

The security of the Maritime Domain is a global issue. The United States, in cooperation with our allies and friends around the world and our State, local, and private sector partners, will work to ensure that lawful private and public activities in the Maritime Domain are protected against attack and criminal and otherwise unlawful or hostile exploitation. These efforts are critical to global economic stability and growth and are vital to the interests of the United States.

It is the policy of the United States to take all necessary and appropriate actions, consistent with U.S. law, treaties and other international agreements to which the United States is a party, and customary international law as determined for the

United States by the President, to enhance the security of and protect U.S. interests in the Maritime Domain, including the following:

- Preventing terrorist attacks or criminal acts or hostile acts in, or the unlawful exploitation of, the Maritime Domain, and reducing the vulnerability of the Maritime Domain to such acts and exploitation;
- Enhancing U.S. national security and homeland security by protecting U.S. population centers, critical infrastructure, borders, harbors, ports, and coastal approaches in the Maritime Domain;
- Expediting recovery and response from attacks within the Maritime Domain;
- Maximizing awareness of security issues in the Maritime Domain in order to support U.S. forces and improve United States Government actions in response to identified threats;
- Enhancing international relationships and promoting the integration of U.S. allies and international and private sector partners into an improved global maritime security framework to advance common security interests in the Maritime Domain; and
- Ensuring seamless, coordinated implementation of authorities and responsibilities relating to the security of the Maritime Domain by and among Federal departments and agencies.

These actions must be undertaken in a manner that facilitates global commerce and preserves the freedom of the seas for legitimate military and commercial navigation and other legitimate activities as well as civil liberties and the rights guaranteed under the Constitution.

III. POLICY COORDINATION

The Maritime Security Policy Coordinating Committee (MSPCC) is hereby established, consistent with NSPD-1 and HSPD-1. The MSPCC, in consultation with the relevant regional and functional policy coordinating committees of the Federal Government, and without exercising operational oversight, shall act as the primary forum for interagency coordination of the implementation of this directive. As part of that effort, the MSPCC shall review existing interagency practices, coordination, and execution of U.S. policies and strategies relating to maritime security, and shall recommend specific improvements to all of them as warranted. The MSPCC shall provide analysis of new U.S. policies, strategies, and initiatives relating to maritime security for consideration by the Deputies and Principals Committees of the NSC and the HSC, and subsequently by the NSC